

REMARKS

This Request for Continued Examination is filed in lieu of appeal and in response to the Final Office Action, mailed April 28, 2008. This response is being filed on February 20, 2009, together with a Petition for a three (3) month extension of time; therefore, this response is to be considered timely. The Commissioner is authorized to charge Applicants' **Deposit Account No. 19-0365** for the Petition fee (and any additional fees that the Commissioner believes are due in connection with this application).

Status of Claims

Claims 16-17, 21-23, 30-31, 58-91, and 94-96 are pending in the application.

Claims 18-20, 24-29, 32-57, and 92-93, have been canceled.

Claims 94 – 96 are new. Support for the new claims may be found in the application as originally filed. No new matter has been introduced.

Claims which are pending but currently withdrawn pursuant to the restriction requirement are indicated in the listing of the claims. The claims have been amended to render them suitable for rejoinder, (MPEP 821.04) which is respectfully requested.

Claims 16, 17, and 21, have been amended to independent claims, and for the reasons discussed below. Other claims have been amended as to their dependencies and/or for reasons which are believed to be self-explanatory. Support for the amendments may be found in the application as originally filed, e.g., in the compounds depicted in claims 16-21. No new subject matter has been added with the filing of this amendment.

Examined Subject Matter

According to the Final Office Action, the examined subject matter includes a compound of Formula I wherein $L^1 = S(O)_2$; $M^1 = \text{aryl}$ and cycloalkyl; $M^2 = \text{aryl}$, with the remaining variables of Formula I as defined in Claim 1. Applicants respectfully submit that the subject matter of the now pending claims be included among the examined subject matter, with all withdrawn or canceled subject matter being non-elected. The burden

identified by the Examiner as being associated with the examination of the originally pending subject matter has been significantly reduced by the amendments. In any case, clarification of the status of the examined subject matter in view of the Restriction requirement is respectfully requested.

Rejection under 35 U.S.C. §102(b)

Claims 15, 22, 30, 64, 92, and 93 were rejected under §102(b) as being anticipated by Adams et al. (Reference U, cited by the Examiner in the Final Office Action).

Applicants respectfully submit that this rejection is rendered moot in view of the foregoing amendments. Withdrawal of the rejection is respectfully requested.

Claims 15, 22, 30, 64, 92, and 93 were rejected under §102(b) as being anticipated by Mustafa et al (Reference V, cited by the Examiner).

Applicants respectfully submit that this rejection is rendered moot in view of the foregoing amendments. Withdrawal of the rejection is respectfully requested.

Claim Objections

Claims 16, 17, 21, 23, 31, and 65 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 16, 17, and 21 have been rewritten as independent claims. Claims 23, 31, and 65 depend from claim 17. Therefore, withdrawal of this objection is respectfully requested.

Request for Rejoinder and Allowance

It is respectfully submitted that all of the examined claims are free of the prior art. Currently withdrawn claims are commensurate in scope with the scope of the allowable subject matter and are in a form which is ripe for rejoinder. Applicants respectfully submit that all of the pending claims are

therefore in condition for allowance. Early and favorable indication of the same is earnestly solicited.

The Examiner is invited to contact the undersigned if she believes that such communication would further prosecution.

Respectfully submitted,



Keith D. MacMillan
Reg. No. 47,212
Attorney for Applicant(s)
(908) 298-5734